

DEVELOPMENT REVIEW COMMITTEE –April 2, 2019
CONDITIONS OF APPROVAL

424 N. Santa Cruz Ave
Conditional Use Permit U-18-019

Requesting approval of a modification to an existing Conditional Use Permit for the expansion of an existing restaurant with beer and wine service (Pintxo Pote Tapas and Wine Bar) on property zoned C-1.

APN 529-07-003.

PROPERTY OWNER: Los Gatos Shopping Center LLC

APPLICANT: Hector Figueroa

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans shall be approved by the Community Development Director, the Development Review Committee, the Planning Commission, or the Town Council depending on the scope of the changes. Any intensification beyond this authorized use requires a Conditional Use Permit amendment.
2. **EXPIRATION OF APPROVAL:** The Conditional Use Permit application will expire two years from the date of approval unless it is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
3. **LAPSE FOR DISCONTINUANCE:** If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. **USE:** The approved use is a restaurant with beer and wine service.
5. **HOURS OF OPERATION:** Maximum hours of operation are Sunday 10:00 a.m. to 11:00 p.m.; Monday through Thursday 11:30 a.m. to 11:00 p.m.; and Friday and Saturday 11:30 a.m. to 12:00 a.m.
6. **DELIVERY HOURS:** Typical delivery times shall be between 8:00 a.m. and 5:00 p.m. seven days a week.
7. **NOISE:** The restaurant with beer and wine service shall be subject to the Town of Los Gatos Noise Ordinance.
8. **RECYCLED CONTAINERS:** Any take-out food shall be served in containers made of recycled materials.
9. **TRASH AND RECYCLING DISPOSAL HOURS:** Trash and recycling from the business shall only be emptied between 9:00 a.m. and 9:00 p.m. to limit the noise impacts on the neighbors.
10. **GENERAL:** Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
11. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend,

indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:
(Engineering Division)

12. **GENERAL:** All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner, Applicant and/or Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner, Applicant and/or Developer's expense.
13. **APPROVAL:** This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
14. **PUBLIC WORKS INSPECTIONS:** The Owner, Applicant and/or Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
15. **RESTORATION OF PUBLIC IMPROVEMENTS:** The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall

request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

16. **SITE SUPERVISION:** The General Contractor shall provide qualified supervision on the job site at all times during construction.
17. **CONSTRUCTION VEHICLE PARKING:** Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
18. **DESIGN CHANGES:** Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner, Applicant and/or Developer's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
19. **ADA COMPLIANCE:** The Owner, Applicant and/or Developer shall be required to meet all ADA standards, which must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. This may require additional construction measures as directed by the Town.
20. **CONSTRUCTION NOISE:** Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
21. **GOOD HOUSEKEEPING:** Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner, Applicant and/or Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner, Applicant and/or Developer's expense.

